

Appl. No. 10/027,000  
Amdt. dated April 11, 2005  
Reply to Office Action of October 19, 2004

### REMARKS

#### The Invention.

The present invention provides a novel  $\beta$ -glucosidase nucleic acid sequence, designated *bgl4*, and the corresponding BGL4 amino acid sequence. The presently claimed invention also provides expression vectors and host cells comprising a nucleic acid sequence encoding BGL4, recombinant BGL4 proteins and methods for producing the same.

#### Status of the Application.

Claims 2, 4-17, 19-20, 23-24 and 26 are pending in the application. Applicants gratefully acknowledge that the Examiner has determined that Claims 23 and 24 are allowable.

Claims 2, 4, 8 and 23 have been amended to further clarify the invention. Specifically, in claims 2, 4 and 23 the enzyme name has been provided in a uniform manner, i.e.,  $\beta$ -glucosidase 4. Applicants assert new matter has not been introduced by the amendment. Support for the amendments may be found in the specification and claims as originally filed. Entry of the amendments is respectfully requested.

#### Claim Objections.

Claims 2, 4 and 23 are objected to as allegedly reciting the enzyme name in various name formats. Applicants have amended claims 2, 4 and 23 to provide the enzyme name in a uniform manner, i.e.,  $\beta$ -glucosidase 4.

Applicants have deleted the errant "a" just above claim 4 in the claim listing.

#### 35 U.S.C. §112, first paragraph.

Claims 8, 9 and 11 stand rejected under 35 USC §112, first paragraph as allegedly containing subject which was not described in the specification in such a way as to convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner asserts that the specification does not contain any disclosure of the structure of all DNA sequences that are encompassed by the claims. Applicant respectfully traverses.

Although Applicants respectfully disagree with the Examiner, in order to further the

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prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments, Applicants have amended Claim 8 so that the probe is about 50 base pairs and designed to correspond to a highly conserved portion of the coding sequence of the BGL4. Support for this amendment is found on page 38, lines 14-24.

For the foregoing reasons, Applicants submit that the claims overcome this rejection. Applicants respectfully request reconsideration and withdrawal of the rejection.

**35 U.S.C. §112, second paragraph.**

Claims 8, 9 and 11 are rejected under 35 USC §112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

The Examiner correctly points out that the Claim 8, choice (i) required amendment for clarity. Applicants have amended Claim 8 as noted by the Examiner.

The Examiner asserts that the phrase "intermediate to high stringency" is not clear and that the phrase "high stringency" should be used. Although Applicants respectfully disagree with the Examiner, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments, Applicants have amended Claim 8 to recite "high stringency". Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

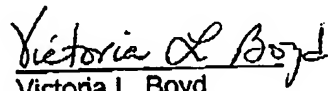
In light of the above amendments, as well as the remarks, the Applicants believe the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at

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an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 846-7615.

Respectfully submitted,

Date: April 11, 2005

  
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